

HOME OFFICE

THE AFTER-CARE
AND SUPERVISION
OF DISCHARGED PRISONERS

*Report of the Advisory Council
on the Treatment of Offenders*



LONDON
HER MAJESTY'S STATIONERY OFFICE
1958

ROYAL COURTS OF JUSTICE,
LONDON, W.C.2.

31st July, 1958

Sir,

In April, 1957, you asked the Advisory Council on the Treatment of Offenders to consider:

- (a) whether any changes are necessary in the obligations of discharged prisoners to report their addresses for the information of the police; and
- (b) whether there should be compulsory after-care for prisoners released from sentences of imprisonment, and if so, to what categories of prisoner it should be applied and by what sanction it should be enforced.

A sub-committee was set up by the Council to make a detailed examination of the problem and to hear evidence. Their report was subsequently considered and adopted by the Council and I now have the honour, on behalf of the Council, to submit it for your consideration.

I am, Sir,

Your obedient servant,

PATRICK BARRY

The Rt. Hon. R. A. Butler, C.H., M.P.

Her Majesty's Principal Secretary of State for the Home Department.

CHAPTER 1

Introduction

1. We were appointed by the Advisory Council on 3rd May, 1957, to consider (a) whether any changes are necessary in the obligations of discharged prisoners to report their addresses for the information of the police and (b) whether there should be compulsory after-care for prisoners released from sentences of imprisonment, and if so, to what categories of prisoner it should be applied and by what sanction it should be enforced.

Evidence

2. We have held nine meetings. We have obtained written and oral evidence from the Prison Commissioners, the Council of the Central After-Care Association, The Magistrates' Association, the Association of Chief Police Officers, the National Association of Probation Officers, the National Association of Prison Visitors, the Howard League for Penal Reform, the Church Army, the Salvation Army, the Director* of the Men's Division of the Central After-Care Association and the Director of the Women's and Girls' Division. We have had oral evidence from the Director of the Borstal Division of the Central After-Care Association. We have had written evidence from the Discharged Prisoners' Aid Societies of Birmingham, Devon and Holloway, the National Assistance Board, the Prison Officers' Association, the Committee of Norman House, the New Bridge, Sir John Wenham and Dr. R. G. Andry. We wish to record our appreciation of the help we have derived from this evidence and the ready way in which it has been given.

3. While the sub-committee has been sitting, most of us have been able to visit one or more prisons and be present at a meeting of the case committee of the local Discharged Prisoners' Aid Society.

4. The Home Office research unit was good enough to undertake for us an investigation, conducted by means of a questionnaire answered by a sample of prisoners, into the need for after-care, the general attitude towards it and the use made of the existing facilities. The results of this investigation are summarised in Appendix A.

Requirements of section 29 of the Prison Act, 1952

5. About 3,000 prisoners a year are subject for twelve months after release to the requirements of section 29 of the Prison Act, 1952. These are persons released after a sentence of imprisonment of twelve months or more who have had at least two previous sentences of imprisonment or a sentence of corrective training.† The requirements are that on discharge, and thereafter from time to time, the prisoner notifies his address to the appointed society (which is in every

* The Director is also the General Secretary of the National Association of Discharged Prisoners' Aid Societies.

† Unless the sentencing court, having regard to the circumstances including the character of the offender, otherwise determines, but such an exemption is seldom made.

case the Central After-Care Association) in accordance with such instructions as may be given by the society. By administrative arrangement this information is sent to the Criminal Record Office at Scotland Yard, who notify the first address given by each prisoner to the police force in whose area it is and any subsequent change of address. If the discharged prisoner fails to comply with the requirements, he may be required instead to report monthly at an appointed police station, and if he fails to do this, he is guilty of an offence and liable on summary conviction to not more than six months' imprisonment.

The present scope of compulsory after-care

6. At present the following categories of prisoners receive compulsory after-care on release (the approximate number in each group released each year is given in brackets);

- (a) those prisoners aged under twenty-one on conviction who are released on licence (in practice only those with a sentence of three months or more are released on licence) (700);
- (b) corrective training prisoners (500);
- (c) preventive detention prisoners (125); and
- (d) those prisoners serving a sentence of life imprisonment whose licence includes a condition that they receive after-care* (10).

All these prisoners are released from prison on licence. The broad effect of the conditions of the licence is that the prisoner shall receive for the unexpired portion of his sentence compulsory after-care from the Central After-Care Association. The conditions are given in Appendix B. Failure to comply with them makes the licensee liable to be recalled to prison by the Prison Commissioners‡. (Compulsory after-care is also received by the 2,000 youngsters a year released from a sentence of borstal training.)

7. Compulsory after-care starts with an interview in prison between the prisoner and an officer of the Association. In co-operation with the Ministry of Labour and the associate (normally a probation officer) who will receive and supervise the prisoner on release, the officer makes all necessary arrangements with families and, so far as possible, employers. The associate also receives from the Association the fullest information about the prisoner—his record, character and aptitude in prison and out, physical and mental characteristics, family and social relations and so forth. He acquaints himself with the family situation and gets in touch with the prisoner by correspondence† so as to make himself known and encourage friendly consideration of future plans for work and living. The released prisoner and his associate should be ready to meet with a common knowledge of the problems to be faced and what is to be done about them. The weeks immediately after release are the critical stage of re-settlement, and whatever previous plans may have been made, they will call for the associate's constant attention. If the initial problems of re-settlement are successfully overcome, it may be that the subsequent supervision will not be exacting on either side. Everything will depend on the individual needs of the ex-prisoner, and as a generalisation it is not possible to say more than that the

* This category includes juveniles sentenced to be detained during Her Majesty's pleasure under section 53 of the Children and Young Persons Act, 1933.

† Occasionally by visits, but it is rarely practicable for an associate to travel a considerable distance to the prison concerned.

‡ In the case of category (d), the Secretary of State.

associate will give these needs his close personal attention. This includes not only attention to material needs but also understanding, watchful sympathy and hracing oversight. The associate cannot be content with mere reporting. He should know the attitudes and outlook of the person in his charge as well as his environment, and always be ready to act quickly in a crisis, to instil courage or give sharp warning, to advise the Association if material help is needed, or in the last resort to suggest to recall to prison.

The present scope of voluntary after-care

8. Prisoners subject to section 29 of the Prison Act, 1952, and all other prisoners who do not receive compulsory after-care are eligible for voluntary after-care. Voluntary after-care is no different from compulsory after-care in its aim, or in its application if the discharged prisoner continues to submit himself to it, but since it is voluntary, it lacks sanctions and so is dependent for its effectiveness on the continuance of the discharged prisoner's wish to receive it. If the prisoner's sentence is one of four years or more (in the case of women three years or more) or he is discharged from a central prison, the after-care will be undertaken by the Central After-Care Association. In other cases the local Discharged Prisoners' Aid Society is responsible, but the responsibility is undertaken by the National Association of these societies in the case of prisoners discharged from regional or special local prisons. Only a small minority of prisoners accept voluntary after-care.

Historical background

9. Before 1948 compulsory after-care, as we now know it, was given only to persons released from a sentence of borstal detention. In addition prisoners serving a sentence of penal servitude were released on licence, normally after serving three-quarters of their sentence. The licence was generally known as a ticket-of-leave. The conditions were that the licence-holder should abstain from any violation of the law; should not habitually associate with notoriously bad characters; should not lead an idle and dissolute life, without visible means of obtaining an honest livelihood; and should produce his licence when called upon to do so by a magistrate or a police officer. There was also a statutory requirement that every licence-holder should personally report to the police his address on release, any contemplated change of address and any new address, and in addition (in the case of men only) report personally once a month to an appointed police officer at a prescribed time, unless the chief officer of police in his discretion permitted reporting by letter. The purpose of these reports was to enable the police to trace the whereabouts of discharged convicts. The licence was automatically forfeited if the licence-holder was convicted on indictment of any offence; if the required reports were not made, a court could order the forfeiture of the licence or impose some other penalty up to a maximum of one year's imprisonment; and the Secretary of State could revoke the licence if the conditions were not complied with, although in practice this power to revoke was exercised only if the licence-holder was convicted summarily. If a licence was forfeited or revoked, the holder was liable to be detained for the period of his sentence that was outstanding when he was released and he was normally released on licence again after serving three-quarters of this remanet. Prisoners serving a sentence of preventive detention (imposed on habitual criminals under the Prevention of Crime Act, 1908) were also released on licence and the licence

could be revoked by the Secretary of State. These licence-holders, who were few in number, reported not to the police but to the Central Association for the Aid of Discharged Convicts (Men)*, which provided through associates a certain amount of supervision.

10. The Criminal Justice Act, 1948, introduced sentences of corrective training and of preventive detention (new style). It provided for release on licence after two-thirds (or, in the case of preventive detention, five-sixths or two-thirds) of the sentence had been served and for the period of licence to be a period of guidance and supervision from the Central After-Care Association. The Act also provided for prisoners aged under 21 on conviction and persons sentenced to life imprisonment to be released on licence with such conditions as the Prison Commissioners and the Secretary of State, respectively, might from time to time determine. (Before 1948 the latter category would have been serving a sentence of penal servitude for life and would have been released on a penal servitude licence.) The Act did not contemplate any after-care for other prisoners, but it sought to maintain one feature of the ticket-of-leave system. It still seemed desirable for the police to know the whereabouts of some released prisoners, but a change had to be made in the requirement of a monthly visit to a police station. This feature had been criticised by the Departmental Committee on the Employment of Prisoners, which reported in 1935 (Cmd. 4897). It was represented to that Committee that a convict's past history often became generally known because of this monthly visit or because of the police practice of looking up any ticket-of-leave men in their area when investigating crime. The Committee did not accept these arguments in their entirety, but they were nevertheless of the opinion that steps should be taken to safeguard the interests of the prisoner who was really seeking to make good, and they were disposed to think that this object might be achieved if in proper cases the prisoner were allowed to report to a suitable society instead of to the police, on the understanding that the society would, on request, supply the police with his address and communicate to them any information which indicated an intention to revert to crime. The Committee did not expect that this obligation would prejudice the relationship of the society to the prisoner in matters of after-care. In view of this recommendation the new requirements embodied in section 29 of the Prison Act, 1952, provided for reporting to an appointed society (which is in every case the Central After-Care Association).

Present difficulties

11. The Central After-Care Association commented in their annual report for 1954 on the working of the requirements of section 29. They pointed out that their duties under the section involved them in a considerable amount of correspondence and clerical work which was entirely separate from their normal functions as an after-care organisation. In most section 29 cases the Association have no other obligations towards the man personally, his after-care being a responsibility not of the Association but of his local Discharged Prisoners' Aid Society.† Some of these men do not understand that in respect of them the Association is performing a police function and no more. They expect help from the Association and are inclined to make a grievance when they find that they

* In 1949 this Association was merged with the newly constituted Central After-Care Association.

† See paragraph 8 for the division of responsibility for voluntary after-care.

will not get it. On the other hand, where the ex-prisoner subject to section 29 would be entitled to look to the Association for help, the Association find that the police function is often embarrassing and impairs the normal relationship they seek to establish with the prisoner. It is the Association's considered view that the expectation of the 1935 Committee is not being fulfilled.

12. The Association also drew attention in their report to a related problem. They pointed out that for the majority of prisoners after-care is voluntary and that it rests with the discharged prisoner whether he accepts it or not. According to the Association many prisoners who accept voluntary after-care do so only to obtain such material benefits by way of cash or services as may be forthcoming on their discharge and thereafter cease to co-operate further and soon lose touch altogether. It seemed to the Association somewhat anomalous in view of the corrective training and preventive detention licensing system that persons who had served long sentences of imprisonment should be discharged absolutely with no transitional period of supervision or controlled freedom between the institutional life of the prison and the complete freedom of the outside world.

13. It was these comments that prompted the Secretary of State to refer to the Advisory Council the questions we have to consider.

The obligations of discharged prisoners to report their addresses for the information of the police

14. Our terms of reference require us to consider first whether any changes are necessary in the obligations of discharged prisoners to report their addresses for the information of the police. The present obligations, which are contained in section 29 of the Prison Act, 1952, are set out in paragraph 5, and virtually every prisoner who is released after a sentence of twelve months or more and has two or more previous prison sentences is subject to them.

15. We received a number of suggestions for changes in the present system, but the first question is how valuable for police purposes is the information obtained under section 29. We were informed by the representatives of the Association of Chief Police Officers that they were firmly of opinion that it was of no practical police value. The information received was normally passed down to the constable whose beat included the address given, but no enquiries could be made whether the address was correct or not. If it was incorrect, it was manifestly useless; and even if it was correct, an alert constable would usually know already that the discharged prisoner was there.

16. None of our other witnesses could suggest any other value in the present obligations. They are so trivial that they cannot be regarded as punitive, and there are no grounds for thinking them reformatory. The Central After-Care Association confirmed that it was easy for a wrong address to be given, or even for the discharged prisoner to arrange for someone else to send in his monthly report. The Men's Division also confirmed that they were embarrassed at having this supervisory contact with discharged prisoners for whose after-care they were not ordinarily responsible.* The Women's Division found, however, that with the much smaller numbers involved some help could occasionally be given to discharged women prisoners for whom the Association had otherwise no responsibility.

17. We are satisfied from this evidence that the present obligations have no value and serve only to produce embarrassment and a great deal of clerical work for the Central After-Care Association. The representatives of the police did not suggest to us that any value could be derived from a more stringent form of obligation, but even if it could, it is clear that the verification by the police that it would necessarily involve would mean in effect the return of the discredited ticket-of-leave system. We accordingly recommend the repeal of the relevant statutory provisions: section 22 of the Criminal Justice Act, 1948, and section 29 and the First Schedule to the Prison Act, 1952.

* See paragraph 8.

Should compulsory after-care be extended?

18. The second part of our terms of reference requires us to consider whether there should be compulsory after-care for prisoners released from a sentence of imprisonment, and if so, to what categories of prisoner it should be applied and by what sanction it should be enforced. We have already* described the categories which are at present subject to compulsory after-care on release and the facilities for voluntary after-care for the rest.

Research

19. In approaching this problem we must first consider whether compulsory after-care has any advantages. We shall refer shortly to the evidence that we have had on this point, but it is almost entirely in the form of opinion. Subjective evidence of this kind is often valuable, but there is a danger of its being based on a small number of cases with which the person expressing the opinion has been directly concerned. It might not sufficiently take into account the ordinary run of cases and so might not be an entirely adequate guide to the overall picture. In the circumstances we should have preferred to have had some objective evidence of the kind that is produced by careful penological research. This type of research, which has been developing recently, has the advantage of being able to give both an objective and a comprehensive picture.

20. We understand that compulsory after-care has not so far been made the subject of any research project. It would be a major task to try to evaluate all the advantages of compulsory after-care, but the primary object of compulsory after-care, as we see it, is the prevention of crime, and it should be possible to measure its success in achieving this by comparing the reconvictions of prisoners who receive it with those of similar prisoners who do not. We draw attention to this possibility and recommend that a suitable research project should be put in hand when resources permit. We suggest that it should take the form of an examination of the reconviction rates of two groups of prisoners which are matched by all recorded factors that are considered relevant (age, previous sentences, offence, etc.) and only one of which receives compulsory after-care. Possible comparisons would be between corrective training prisoners and prisoners released from a regional training prison after sentences of, say, two or three years' imprisonment; and between young prisoners with three months' sentences released on licence and young prisoners discharged after sentences of two months.

21. In our later paragraphs we form an opinion on the evidence that we have had on the value of compulsory after-care and in paragraph 58 we indicate how our recommendations should be linked with the research project.

Evidence on the value of after-care

22. However subjective the evidence given to us might be, there is no doubt that the overwhelming weight of opinion is that in certain cases compulsory

* Paragraphs 6-8.

after-care can be most valuable. Our witnesses had in mind both the prisoners for whom there is at present compulsory after-care (in particular, corrective trainees) and the general mass of prisoners for whom there is at present no compulsory after-care. The following is a summary of the evidence that we received on its value:

- (a) Governors of seven training prisons were asked by the Prison Commissioners to say whether the after-care provided compulsorily for corrective training prisoners was in their view any more effective than the voluntary after-care offered to other prisoners. With one exception the governors replied in the affirmative. In their view the prisoners who at present accept voluntary after-care on the whole need after-care less than those who do not accept it, and even those who accept voluntary after-care often do so in the first flush of enthusiasm after release, which quickly wanes. The governors said that compulsory after-care with the sanctions that accompanied it ensured that the type of man who most needed further care and supervision did in fact receive it.
- (b) The Council of the Central After-Care Association have found that among those prisoners eligible for voluntary after-care from the Association those who are most in need for a time of some supervision and guidance are often those who are least inclined to accept it voluntarily, except to receive such immediate benefits as may be available.
- (c) The Director of the Men's Division of the Central After-Care Association told us that he was in no doubt that compulsory after-care for certain categories of prisoner should be regarded as part of the rehabilitation process started in prison.
- (d) The Director of the Borstal Division of the Central After-Care Association was firmly of the opinion, which he said was formed professionally rather than emotionally, that an extension of compulsory after-care would be well worth while.
- (e) Representatives of the Association of Chief Police Officers said in oral evidence that in their opinion compulsory after-care might be valuable in certain cases. It seemed to them that the present emphasis on corrective training and preventive detention prisoners was arbitrary.
- (f) The Committee of Norman House* were in no doubt that every discharged prisoner needs some after-care and that some authority is needed to make the after-care effective.
- (g) A senior probation officer with experience of welfare work at Holloway prison saw great advantage in compulsory after-care.
- (h) Dr. R. G. Andry† believed that after-care should always follow imprisonment in order to ensure total rehabilitation.

The sub-committee's views

23. Our own experience leads us to agree with these views. We regard it as beyond question that certain prisoners, especially those serving a substantial sentence, will find it easier to avoid lapsing into criminal ways if they accept

* Norman House was founded in 1954 "to give the homeless discharged prisoner who wanted it a chance of going straight". It accommodates each year about 25 men, who stay on an average for three and a half months.

† A consultant psychologist who is engaged on research on short term prisoners.

guidance and help on release. A good deal of training is now given in prison for many types of prisoner, but however well designed it is to fit him for a well-adjusted life on discharge, it is of necessity given in circumstances very different from the freedom that will be abruptly given to him as soon as his sentence is over. It seems to us that a necessary complement to the training in prison is some form of guidance and help when that training is tested in free conditions.

24. But just because the training in prison is to be tested in free conditions, it would be better if guidance and help on release were freely accepted. Voluntary after-care is, however, accepted by only a minority of prisoners, who are not those in most need of it. This, then, is the dilemma, to which compulsory after-care is the compromise solution. It is, and can only be, a compromise, since there is bound to be a minority who will be alienated from the start by the very idea of being subjected to some form of compulsion on discharge. We realise that at present many corrective trainees regard the period on licence as an imposition that is almost equivalent to an extension of their period of detention. We recognise that this is an objection to any extension of after-care, but we think that its importance can be reduced by a determined attempt to convince prisoners of the need for after-care and a careful selection of the categories who are to receive it. It is most important that the after-care authorities should not be regarded as being "on the other side of the fence" from the prisoner. Moreover, it is possible that as the field of compulsory after-care is extended, it will come to be regarded as a normal consequence of certain sentences, and the corrective trainee in particular will be less likely to look upon himself as having been singled out for extra liabilities.

25. Although a small minority might remain alienated by any form of compulsion, however beneficial and attractively put over, in the other pan of the balance must be put the large number of discharged prisoners, the penitent, the feckless, the drifter, who according to our evidence, with which we agree, will greatly benefit by the guidance, help and supervision of compulsory after-care. To these must be added the minority who now accept voluntary after-care. We have not been given any grounds for thinking that these would not be equally responsive to compulsory after-care. In our view these advantages of compulsory after-care far outweigh the disadvantages, and we accordingly agree with our witnesses that in certain cases it would be most valuable. In Chapter 7, which deals with the nature of the after-care to be given, we make some recommendations about how it could be made more attractive, in order to dispel the distaste for compulsion (paragraphs 69 and 77).

Who should be responsible for giving compulsory after-care to discharged prisoners?

26. At present all compulsory after-care is the responsibility of the Central After-Care Association. In London all licensees from preventive detention, some from corrective training, and those from borstal training (and former young prisoners) who are homeless are supervised by officers of the Association. For the rest the Association acts through associates, almost all of whom are probation officers.* Persons other than professional social workers who are accepted as associates need to have exceptional qualities fitting them for the work.

27. This scheme appears to be working to the general satisfaction, and the overwhelming weight of the evidence before us contemplated that it would be used for any extension of compulsory after-care. We accept this view. The probation service combines, like no other organised body, the two essentials for effective after-care. It is composed of trained social workers, and we agree with our witnesses in their emphasis on the need for a professional approach. Secondly, it is so spread over the whole country that a discharged prisoner will seldom live more than a few miles from his supervisor, with the result that if a crisis occurs in his rehabilitation, help and advice are readily available. We heard much evidence on the need for easy access to the supervisor at such a time: many discharged prisoners would not bother to approach an associate who was, say, twenty miles away.

28. We accordingly recommend that compulsory after-care under any extended scheme should be the responsibility of the Central After-Care Association, operating usually (as at present) through probation officers as associates. The National Association of Probation Officers informed us that probation officers would be glad to participate in any extension of compulsory after-care.

* The Probation Rules make it the duty of a probation officer to advise, assist and befriend certain categories of discharged prisoners where the Central After-Care Association or the National Association of Discharged Prisoners' Aid Societies so requests.

How should the prisoners to receive compulsory after-care be selected ?

General

29. It is possible that every prisoner who is discharged needs some help and guidance and that a trained social worker could give it as compulsory after-care, but no-one suggests that at any rate in the foreseeable future every one of the 30,000 prisoners who are discharged every year should receive compulsory after-care with all the expense and administrative complexity that this would entail. For one thing, there are comparatively few social workers available for this work. Clearly, then, there must be some method of selecting those prisoners who most need after-care and those who are most likely to profit from it. In the following paragraphs we consider the possible methods of selection.

At the discretion of the sentencing court

30. The Association of Chief Police Officers suggested to us that as a period of compulsory after-care would be regarded as part of the prisoner's sentence (even if this were not the correct approach), the sentencing court should be given the task of selecting those to receive it. They thought that if a court could impose after-care at the time of the sentence, it might be possible for the sentence itself to be shortened. We do not feel able, however, to recommend this method. This is not a punitive matter, and we do not think that the decision is an appropriate one for the court to take at the outset of a sentence when the offender's response to prison training is not known and his needs on discharge cannot be assessed. There might also be the danger of the number of prisoners selected outrunning the resources of the limited number of field workers available.

Selection by a case committee during sentence

31. Another suggestion made to us was that towards the end of the prisoner's sentence there should be selection by some form of case committee, consisting of such persons as a Prison Commissioner, the prison governor, the prison chaplain, a prison visitor and a visiting magistrate. Since a particular prisoner's need for after-care seems to stem from his individual character and circumstances rather than from his membership of a particular category, individual selection towards the end of the sentence has much to commend it. Recent experience suggests, however, that selection of this kind within the sentence imposed by the courts is likely to cause a most resentful and invidious atmosphere in prison which would impair not only the success of any new scheme of compulsory after-care but also the training that is given in prison. So long as a period of licence is regarded as an additional imposition, most of the prisoners selected for after-care will not understand why they have been chosen in preference to fellow prisoners who have eluded selection; and if a period on licence is ever seen as an advantage, similarly invidious comparisons might be made by those who were not selected. Nearly all our witnesses with practical

experience of prison administration thought that this would be an almost certain result, and therefore a fatal defect, of individual selection. We understand that the present method of selecting preventive detention prisoners for release after two-thirds, rather than five-sixths, of their sentence is thought by the prisoners to be unfair, even though the selection is made by an independent advisory board.

32. We agree that if any method of individual selection for compulsory after-care had the result that has been suggested, this would be a serious disadvantage. But if the method were otherwise satisfactory, we doubt if this disadvantage would be decisive against it. It is inherent in the idea of compulsory after-care that at any rate in the initial weeks the licence has to be imposed on an unwilling prisoner because it is necessary in the public interest, and a certain amount of resentment is inevitable. Nor do we see any reason why in time the impartiality and authority of the selecting body should not make a scheme at any rate as acceptable to prisoners as their sentences, which are imposed by a large number of different courts and may afford similar grounds for invidious comparison.

33. We doubt, however, whether at the present time individual selection is in other respects a satisfactory method of imposing compulsory after-care. In addition to the danger mentioned above* of the number selected outrunning the resources available, we venture to wonder whether any case committee, however great their experience and however much information they have about an individual prisoner, can make a sufficiently accurate forecast of the prisoner's needs in the completely different world outside prison to justify a decision to impose statutory after-care being based upon it. In these circumstances, and in view of the likelihood of training and rehabilitation being impaired by the resentful atmosphere that would be created, we do not feel able to recommend this method of selection at the present time. We do not rule out, however, the future possibility of research showing what factors in a prisoner's character and circumstances are relevant to his need for after-care and these factors being used as the basis for some objective method of individual selection.

Allowing prisoners to opt

34. We have considered a suggestion from the Howard League for Penal Reform that prisoners should be allowed to opt for after-care, those that opt obtaining one-half remission of their sentence for good conduct instead of the present one-third. This is an ingenious suggestion designed to minimise the element of compulsion by making the after-care depend in the first instance on the prisoner's free choice; but none of our other witnesses supported it, and we see a number of objections:

- (a) Nearly all prisoners would opt for something that meant earlier release, even if it carried with it a possibility of a penalty for failing to comply with conditions.
- (b) Not only would the limited resources available be unable to cope with the large numbers who would opt for after-care, but it would be wrong in principle for them to be dissipated on prisoners who thought that they needed, or would like, after-care but in fact needed it less than others who had not opted.

* Paragraph 30.

- (c) If the majority of prisoners opted, the courts might react to the longer period of remission by imposing correspondingly longer sentences.

We accordingly recommend against this suggestion.

Statutory categories

35. The method favoured by most of our witnesses was that certain categories of prisoner, as defined by statute, should automatically receive compulsory after-care. This is not as inflexible a method as it might first appear. There are a number of objective factors which can appropriately be used to define categories: age on conviction, length of sentence, number of previous sentences, type of offence. By combining these factors it is possible to identify particular categories with some precision, and when we asked our witnesses what prisoners they thought should have compulsory after-care, we found that they usually described them in terms of these and similar factors.

36. The method has none of the disadvantages of individual selection, and we have no reason to think that if the categories are fairly simple and straightforward it will make compulsory after-care any more unacceptable to prisoners. We accordingly recommend this method. In the next Chapter we consider what the categories should be.

CHAPTER 6

The categories to be defined by statute for compulsory after-care

Resources available

37. We have already* concluded that under any extension of compulsory after-care the field work should be done by probation officers as associates of the Central After-Care Association. The probation service has not unlimited resources and in considering what categories of prisoners should receive compulsory after-care we must bear in mind the case-load that the service is capable of bearing now and in the near future. The following table, which the Home Office Statistical Adviser has been good enough to prepare for us, indicates the minimum number of extra probation officers that would be needed for each of the main categories that have been proposed to us for after-care. The number of extra officers has been calculated on the basis of the 1957 prison reception figures (males), a period of after-care of twelve months and a case-load averaging 55. It is contemplated that after-care will, as at present, be spread over the whole probation service. (Even if the field work were to be undertaken outside the probation service, the figures would still be relevant as indicating the number of trained social workers required. We have no reason to believe that they would be forthcoming in greater (or even as great) numbers than recruits to the probation service.)

Category	Approximate number discharged each year	Minimum number of probation officers required
1 (a) All male prisoners	27,150	494
(b) All male prisoners serving a sentence of 12 months or more	7,150	130
(c) All male prisoners serving a sentence of four years or more	800	15
2 All male prisoners serving their first sentence of imprisonment†	11,600	212
3 (a) All male prisoners with a sentence of more than three months who have served only one previous sentence of imprisonment	2,000	36
(b) All male prisoners with a sentence of 12 months or more who have served only one previous sentence of imprisonment	950	17
4 All male prisoners with a sentence of 12 months or more who have had only two previous sentences of imprisonment	900	16

* Paragraph 28.

† See footnote * to paragraph 45.

	Category	Approximate number discharged each year	Minimum number of probation officers required
5	All male prisoners with a sentence of 12 months or more who have had three or more previous sentences of imprisonment	2,900	52
6	All male prisoners under 26 on conviction with a sentence of more than three months	3,800	70

This table covers only male prisoners over 21. As indicated in paragraph 6, all prisoners under 21 on conviction are released on licence under existing powers if they are serving a sentence of three months or more. The number of female prisoners in each category is only a small fraction of the number of males, and the number of extra probation officers needed for them would be very small.

38. We understand that the probation service is at present working under great pressure owing to the increase in crime in the past year or so, but that recruitment to training for the service has recently improved substantially. It is hoped that in about a year's time the service could undertake the after-care of one or more categories involving, say, an additional 15 probation officers and in another two or three years' time the after-care of additional categories involving a further 40 or 50 probation officers.

General principles

39. The figures given in the last two paragraphs are most important. Our primary task, as we see it, is to select categories that should be in the first priority for compulsory after-care and would involve no more than an extra 50 or 60 probation officers. As this implies, we think it reasonable that for our main recommendation we should look about three or four years ahead.

40. The main principle guiding us is that the first extension of compulsory after-care should be directed to those prisoners who are in special need of guidance and help on release and are likely to be diverted thereby from further crime. We have tried to exclude on the one hand those who, while no doubt in need of some guidance or help on release (as are all prisoners), are in any event unlikely to return to prison, and on the other hand those who are such confirmed recidivists that after-care is unlikely to play any significant part in stopping their criminal careers.

Those who are serving their first sentence of imprisonment

41. As a class, these prisoners are a good risk. About 75% of them do not return to prison, and we cannot recommend that as a class they should have priority in any extension of compulsory after-care. They are in any event too large a category. Our opinion is shared by those of our witnesses who mentioned particular categories as suitable for compulsory after-care. The Council of the Central After-Care Association, The Magistrates' Association and the Director of the Men's Division of the Central After-Care Association all excluded those prisoners who are discharged for the first time.

42. Prisoners now subject to section 29 of the Prison Act, 1952, are virtually all prisoners serving a sentence of twelve months or more who have served two or more previous sentences of imprisonment or one sentence of corrective training. They include all the prisoners in categories 4 and 5 in the table in paragraph 37, and their after-care would involve about an extra 70 probation officers. They were selected for their present obligations not because they were to receive after-care or because they particularly needed it, but in order that as recidivists and near recidivists their movements on release might be known to the police. Even if they were a smaller category, we could not recommend that as a class they should have priority in any extension of compulsory after-care.

Prisoners serving their second sentence of imprisonment

43. In our attempt to define a category comprising prisoners who are neither recidivists nor in prison for the first time we have been interested to learn that the Prison Commissioners are at present giving attention to prisoners serving their second sentence of imprisonment, as they believe that the second sentence is the crucial point in the career of a potential recidivist. It would follow from this that the ensuing period of freedom is equally crucial and deserving priority in any extension of after-care. We accept that this is a vulnerable category and highly suitable for compulsory after-care. It seems to us, and we understand that it is also the view of the Prison Commissioners, that a prisoner serving his second sentence, although sufficiently anti-social to have been among the 25% who are not shocked into keeping out of prison after their first sentence, is still not acclimatised to prison and that satisfactory rapport can be established with him both in and out of prison. He is not so likely to have the hardened attitude of many recidivists who have tried after-care in the past but for whom it has never had a worth-while effect. We see in this category great scope for compulsory after-care, which would have the added merit of being complementary to the attention that is being given to the category in prison.

44. We do not suggest that every prisoner serving his second sentence should have compulsory after-care, however short his sentence. There must clearly be a minimum sentence for this category or indeed for any category. A certain time is needed to make the necessary administrative arrangements; and to include the very short sentence prisoner would bring in a large number of petty offenders (e.g. a man who has served two sentences of fourteen days for drunkenness) and serve mainly to make the total unreasonably swollen. In our view it would be right to exclude all sentences of three months and under, and if any priority is necessary among those serving more than three months, we should prefer those with a sentence of twelve months or more. The longer sentence in general indicates a more serious offence and a correspondingly greater importance that the offender should be kept out of crime on release. It is also desirable that the period of after-care, which we recommend in paragraph 63 should be twelve months, should not so exceed the length of the sentence that it will seem even more of an imposition to those prisoners who will regard it in that light.

45. The table in paragraph 37 shows that 17 extra probation officers would be needed to give compulsory after-care to prisoners serving a sentence of

twelve months or more who have served only one previous sentence of imprisonment* and a further 19 extra officers to include prisoners whose second sentence was of more than three and under twelve months.

Prisoners serving a third sentence of imprisonment

46. Much of what has been said in paragraph 43 about the second sentence being crucial applies with equal force to a large number of third sentences. We do not believe that there is any particular magic about the second sentence. It is just that after the first sentence a prisoner tends more quickly to become hardened to prison life and criminal ways, and the vital attempt at reclamation has to be made before the prisoner loses all sense of social responsibility. We accordingly regard the prisoner in his third sentence as next in priority to the prisoner in his second sentence, but in his case we consider that the priority should be restricted to prisoners whose third sentence is one of twelve months or more. This will not only keep the numbers down, but exclude the petty offender as well, since for this third sentence the potential recidivist will usually receive a sentence of twelve months or more.

47. The table in paragraph 37 shows that this category would require an extra 16 probation officers.

Prisoners serving a fourth or subsequent sentence

48. We consider that for our purposes prisoners serving their fourth or subsequent sentence are in a different category from prisoners serving their second or third sentence. By his fourth sentence a prisoner is usually hardened to prison life and he is either a recidivist or very shortly will become one. He is badly in need of firm guidance and supervision if he is ever to be positively diverted from a life of crime, but the chances of success cannot be very high. Given an unlimited number of probation officers we could see advantages in giving all these recidivists compulsory after-care, since even if only a few were diverted from crime, the amount of crime prevented would be considerable; and we should prefer the resources to be used on this category rather than the class of first sentence prisoners (see paragraph 41). But we cannot give this category more than a low priority, particularly in view of our recommendation that a special effort should be made with those prisoners discharged from their second and third sentences. It would be prudent to wait to see the effect of after-care at that stage before giving it to a man for the third time.

49. The table in paragraph 37 shows that an extra 52 probation officers would be needed to give after-care to prisoners serving a sentence of twelve months or more with three or more previous sentences.

Prisoners serving a long sentence

50. We see no direct correlation between the length of a prisoner's sentence and his need for after-care, and on the whole we have preferred to use the number of previous sentences as an index of the need. The long-term prisoner includes recidivists and first offenders, as well as prisoners serving their second and third sentences, whom we already have recommended as deserving priority

* In this context we include in imprisonment corrective training but not borstal training; acclimatisation to prison is the criterion, and sentences of corrective training are served partly in local prisons and partly in special prisons. All references to a previous sentence of imprisonment in paragraphs 37-58 include a reference to corrective training.

for after-care. Nevertheless, we consider that among prisoners serving a long sentence of (say) four years or more, the very length of their period in custody must present special difficulties of readjustment and rehabilitation. This category has already been singled out in the voluntary after-care field as a responsibility of the Central After-Care Association instead of the local Discharged Prisoners' Aid Societies. The National Association of Probation Officers told us in their evidence that this category was in their view particularly suitable for inclusion in an extension of after-care.

51. The table in paragraph 37 shows that only 15 extra probation officers will be needed to give compulsory after-care to this category, and in all the circumstances we recommend that it should have equal priority with the category of prisoners whose second sentence is one of twelve months or more.

Young prisoners

52. We have already* described the arrangements for releasing on licence particular prisoners who are under 21 at the date of their conviction and have a sentence of three months or more. It was suggested to us that this system should be extended to include prisoners in their early twenties up to the age of, say, 26. A number of these are included in the categories we have already considered, in particular the second and third sentence categories, and the main effect of including also all prisoners between 21 and 26 would be to bring in the prisoners in that age group who are serving their first sentence. On the whole, we think that the arguments (see paragraph 41) for not giving first sentence prisoners any priority for after-care are overruled in respect of young first sentence prisoners by the particular vulnerability, according to our evidence, of the 21-26 age group. This view is supported by the reconviction statistics, which show that in this age group the reconviction rate is higher than at older ages. To give special attention to this age group for after-care purposes would also have the advantage, if success were achieved, that society would reap the benefits of the success for a longer period than with older prisoners. In addition, a young prisoner is in general more amenable to authoritative guidance.

53. We accordingly accept that this category deserves some priority, but since as a category it would require as many as 70 extra probation officers and since it is to a considerable extent already included in the second and third sentence categories, we do not think that it should be given a higher priority than the second and third sentence categories or the long-term category. It is, however, more important than the recidivist category of fourth and subsequent sentences.

Female prisoners

54. We have no grounds for thinking that the comments above do not apply equally to female prisoners in the various categories. As indicated in paragraph 37, the number of extra probation officers needed for them is very small.

Summary

55. In the preceding paragraphs we have assessed the priority to be given for after-care purposes to certain categories of prisoner. In sum our recom-

* Paragraph 6.

mentation is that the following should be the order of priority for an extension of compulsory after-care. We indicate in brackets the approximate number of male prisoners released each year and the approximate number of extra probation officers that would be needed for their after-care, for each category taken separately:

- Equal {
- (a) adult prisoners serving a sentence of imprisonment of twelve months or more who have served only one previous sentence of imprisonment (950 prisoners and 17 probation officers);
 - (b) adult prisoners serving a sentence of four years or more (800 prisoners and 15 probation officers, but possibly fewer if (a) and (b) are taken together, since some prisoners in (b) are included in (a));
 - (c) adult prisoners serving a sentence of more than three months who have served only one previous sentence of imprisonment (2,000 prisoners and 36 probation officers, or 1,050 prisoners and 19 probation officers additional to those needed for (a));
 - (d) adult prisoners serving a sentence of twelve months or more who have served only two previous sentences of imprisonment (900* prisoners and 16* probation officers);
 - (e) adult prisoners under 26 at conviction and serving a sentence of more than three months (3,800* prisoners and 70* probation officers);
 - (f) adult prisoners serving a sentence of twelve months or more who have served three or more previous sentences of imprisonment (2,900* prisoners and 52* probation officers).

Many of the prisoners included in these categories are at present eligible for voluntary after-care from local Discharged Prisoners' Aid Societies. When they receive compulsory after-care, the field within which these Societies work will be correspondingly reduced. We welcome this: their staffs are at present overburdened by the work presented by the large numbers now in local prisons, and it will be possible for the admirable voluntary efforts of the Societies to be concentrated in a smaller field.

Implementation

56. It would obviously be wrong for any extension of compulsory after-care to be applied to prisoners sentenced before the extension was approved by Parliament. Nothing would be more likely to damn the scheme from the start than for prisoners to learn in the middle of their sentence that they would not be completely free on release as they had supposed but subject to a period of compulsory after-care. It is also possible that when the extension is working, the courts may not find it necessary in certain cases to impose a sentence of the same length as they would at present, since they will be able to take into account that the imprisonment will be followed by a period of compulsory after-care with suitable sanctions for misconduct during the period.

57. We have already mentioned in paragraphs 37 and 38 that the extension must be limited by the resources of the probation service and at first will have to be limited to a case-load that could be carried by about 15 probation officers,

* These estimates should be reduced by the number of prisoners in the category who are already covered by previous categories, and by the corresponding number of probation officers, but we have not delayed our Report in order to obtain the relevant figures, which would have taken some time.

extended during the following two or three years by that for another 40 or 50 extra probation officers. Applying these figures to the categories indicated in our order of priorities we are left with the conclusion that categories (a) and (b) could be given after-care as soon as the necessary legislation can be passed, since with category (b) the burden on the probation service would not start to be felt for nearly three years and with category (a) for eight months. Category (c) could be included in another two or three years' time. We recommend accordingly.

58. We hope that it will be possible for the research that we have recommended in paragraph 20 to be completed in about two or three years time. Even if our recommendations were implemented at the earliest opportunity, compulsory after-care could not by then have been extended beyond category (c), and at that point it will be possible to form some estimate of how soon the remaining categories can be covered. We do not think that it is right or necessary to hold up the inclusion of category (c) until the results of the research are known, since the inclusion of that category is a logical extension of category (a) and it will no doubt be necessary to take the requisite powers and make the appropriate arrangements some time previously; but we recommend that before any steps are taken to include the remaining categories (d), (e) and (f) the whole question should be reviewed in the light of the results of the research.

The details of compulsory after-care

General

59. In general we consider that the existing after-care scheme for corrective trainees* should be taken as the model for compulsory after-care for persons released from sentences of imprisonment. For example, the role of the associate should be the same; and we have already recommended that the Central After-Care Association should be the body centrally responsible. Some changes have been suggested to us, partly in the light of experience of the working of the corrective training scheme over the last ten years. We consider these suggestions in the following paragraphs and make recommendations, but apart from the changes that we recommend, the corrective training scheme should be taken as the model.

The period

60. Under the present schemes the period of after-care is the remaining period of the sentence imposed by the court. In the normal corrective training case it amounts to one-third of the sentence, but if the prisoner's date of release is postponed for misconduct the period of licence is reduced *pro tanto*. The period of licence for a preventive detention prisoner is similarly calculated, except that most preventive detention prisoners are released after serving five-sixths rather than two-thirds of their sentence. The period of a penal servitude licence before 1948 was similarly related to the unexpired portion of the sentence.

61. We found that many of our witnesses thought that the time had come to break this link with the unexpired period of the sentence, particularly in view of the paradox that the prisoner who misconducts himself during his sentence has a shorter period on licence than the prisoner who behaves well, despite his apparently greater need for after-care. We share this view. We have already said that the length of a man's sentence bears no direct correlation to his need for after-care, and we think that it is equally true that the unexpired period of his sentence on release bears no direct correlation to the appropriate period of after-care. In our view once the decision has been taken that a particular prisoner is in a vulnerable category and ought to have compulsory after-care, the period of the after-care can be considered on its own, subject, however, to the reservation that as compulsory after-care will still be regarded as an imposition by some prisoners, the period of licence, with its liability to recall, should not be unreasonably longer than the length of the sentence which the court thought appropriate for the nature of the offence.

62. Among those of our witnesses who thought that the time for a break had come it was the almost unanimous view that a flat period of twelve months was about right. Some men would need less than others, and for them the

* The statutory after-care scheme for prisoners released from preventive detention is similar to that for corrective trainees.

probation officer should have discretion to relax supervision. In the exceptional case there should be power in the Prison Commissioners to discharge the licence. Some men would also require longer than twelve months, but these would be exceptionally difficult cases for which no term could be fixed and which might require a number of years of diligent after-care. For the majority of prisoners twelve months would take them through the critical period after discharge and also consolidate any adjustment that had been made.

63. We accordingly recommend that where released prisoners receive compulsory after-care the period of licence should be in all cases twelve months starting from release from custody, the date of which should be calculated as at present.

The conditions of the licence

64. The National Association of Probation Officers represented to us that the licence under any extended scheme should not contain conditions of too strict a nature, as this might not ensure the flexibility of approach and freedom of adaptation by the supervisor that, they said, are essential to constructive after-care. The present conditions* are expressed in strict terms: in theory the supervisor has complete control over everything the licensee can do. No doubt in practice the conditions are seldom invoked in all their strictness, and there is advantage in the discharged prisoner knowing exactly where he stands in relation to the supervisor and the Association. Nevertheless, we think that the present conditions are too peremptory and could be modified. We recognise, however, that conditions the breach of which may result in recall to prison must be stated with precision; and that it may be thought desirable that whatever conditions apply to the new categories of prisoner for whom we propose compulsory after-care should also be applied to other categories of prisoner at present released on licence. In these circumstances we do not make specific recommendations on the terms of the conditions, but we hope that in preparing them full weight will be given to the considerations which we mention above.

The sanction

65. All our witnesses agreed that some form of sanction was inherent in the idea of compulsory after-care. If a discharged prisoner could flout with impunity the conditions of his licence, the after-care provided would not be compulsory but voluntary. Most of our witnesses considered that recall to prison should be the sanction and that the Prison Commissioners should have the power to order it, as at present with former borstal inmates, young prisoners and corrective training and preventive detention prisoners.

66. To give the Prison Commissioners power to order recall is not without disadvantages. The way in which the present licensing and recall procedure is centred on the Prison Commissioners tends, we understand, to make some prisoners more resentful against the prison authorities generally, and some regard recall as a sentence passed in private by the Commissioners usurping the function of the courts. We recognise that there is an objection of principle to a branch of the Executive imposing what is in effect a sentence of imprisonment, and we have considered whether any other sanction could be devised, and whether, if recall is the only acceptable sanction, the power to order it

* See Appendix B.

could be given to any other body. We cannot, however, find a method that is not open to weightier objections than the present one. The courts could be brought into the question by making failure to comply with the conditions of a licence a summary offence punishable with a short term of imprisonment or a fine, but this would inevitably entail considerable divergence of practice among magistrates' courts, and particularly where no failure to comply was found, it would be unfair to expose a discharged prisoner's efforts at rehabilitation to the publicity attendant on proceedings in open court. Moreover, either the associate or the Central After-Care Association would have to be responsible for bringing peccant licensees before the court, and they might incur more odium than at present when the suspicious prisoner is only too ready to regard them as agents of the Commissioners. This last objection applies also to giving a power to recall to some independent advisory board such as that which decides whether a preventive detention prisoner should be released after two-thirds rather than five-sixths of his sentence. That suggestion is open to the additional objection that boards of that nature are unable to sit at short notice, whereas a decision to recall needs to be taken quickly as soon as a breakdown shows that it is necessary.

67. We have received detailed evidence from the Prison Commissioners on how the present recall procedure for discharged prisoners on licence is operated. Each decision is based on a full report from the associate, a recommendation, with any additional information, by the Central After-Care Association, and any further material that the Commissioners can obtain. The same Commissioner normally takes each decision, after consultation where necessary with any of the other Commissioners. There is the minimum of delay, and once the order is signed, the licensee is brought back into custody as soon as he can be found, which may be within two or three days. Even after issue of the order, some flexibility is achieved by instructing the police to seek further instructions where the discharged prisoner is found to be in honest and regular employment. This is a valuable safeguard where there has been mere failure to report and not deliberate disobedience to the associate. On the whole the Commissioners are anxious to leave recall to the last resort: between about 15 and 20 per cent. of corrective training licensees are recalled. The unsatisfactory feature of the procedure from the Commissioners' point of view is that while the absolute discretion vested in them permits a flexible approach in general, the period of recall is fixed at two-thirds* of the outstanding period of the licence. This sometimes means that a man at the beginning of his period on licence who is drifting and would benefit from the jolt of being recalled for a month or so is not recalled because if he were, he would have to stay in custody for seven to eight months.

68. We recognise the practical advantages of vesting the power of recall in the Prison Commissioners, and apart from the rigidity of the period of recall the method appears to have worked satisfactorily in respect of corrective trainees. There remains the objection of principle to the Executive imposing what is in effect a sentence of imprisonment, but after careful consideration we are of opinion that this objection, although valid, is outweighed by the practical advantages of the present method and by the practical disadvantages of any other method, provided one modification is made. This modification is

* Five-sixths for preventive detention licensees.

borrowed from the borstal procedure, under which a youngster recalled from supervision, unlike a corrective training or preventive detention licensee, does not remain in custody for a fixed period but for a period determined by a review board within a fixed maximum, which is the remaining period of the licence or, if that is less than six months, six months. The review board, which meets once a month, consists of a Prison Commissioner or an Assistant Commissioner (who presides), the governor of the recall centre, a housemaster, and a representative of the Central After-Care Association. Each recalled licensee has a preliminary interview with the psychologist attached to the centre and then appears before the first board to sit after his recall, which cannot be more than a month away. Most youngsters give a full and frank account of their rehabilitation difficulties and every effort is made to satisfy them of the need for recall. The average period of recall is four months.

69. In our opinion a similar procedure would remove the inflexibility caused by the present fixed period of recall and the full and frank interview with the review board should minimise the tendency of some recalled licensees to resentment against the Prison Commissioners. We do not consider, however, that the maximum period of recall should automatically be the outstanding period of after-care, or even the portion of the sentence that was unexpired on release. It seems to us that it should be governed by other considerations. The object of a power to recall is to provide a means of obliging a discharged prisoner to receive effective after-care. It is not part of the punishment imposed by the court, but a sanction against failure to comply with the licence; and the period of recall should be no longer than is necessary to ensure, so far as it can ever be ensured, that the after-care following the period of recall is more effective. With this object in mind we are of opinion that the period of recall should be a period of active training, rehabilitation, and preparation for release and so be directed at making further after-care more effective.

70. Viewed in this light, the period that needs to be available to oblige a man released from a six year sentence to receive effective after-care is not necessarily different from the one needed for a man released from a six months sentence; or the period for a man at the beginning of his licence from one for a man nearing the end. Nor have we any grounds for thinking that there is a difference in practice. The outstanding period of after-care is, however, relevant to the extent that in a particular case the maximum period of recall should not exceed it. Any period spent in custody after the end of the period of after-care could not be regarded as a means of obliging the licensee to receive effective after-care. Moreover, only in rare cases should a man be released after recall with a negligible portion of his period of after-care left.

71. After careful consideration we have selected six months as the maximum period of recall. A sharp jolt can often be given in a much shorter period, and in such cases the review board would no doubt fix a period of, say, one or two months. Some cases will, however, benefit from more prolonged observation and preparation for a second attempt to meet the difficulties of rehabilitation: for instance, the long term prisoner who could not be adequately prepared for his first release because he did not appreciate the difficulties that he would encounter. Six months is also the period for which a recalled borstal inmate may be detained if the outstanding period of his licence is shorter. We have, moreover, borne in mind that under our recommendations some short sentence

prisoners will receive compulsory after-care. Although, as we have said, the size of the necessary sanction is unrelated in principle to the length of the original sentence, and although the actual period of recall would be determined by the review board, it would be difficult to justify exposing a man on whom the court had imposed a sentence of (say) six months' imprisonment to recall by the Prison Commissioners for twice as long. It is likely that some short sentence prisoners will regard even a maximum of six months as unreasonable, but we do not feel able to depart from the principle that once a man finds himself in a category so vulnerable that he ought to receive compulsory after-care, the after-care in his case might be just as difficult and just as crucial as in the case of a man with a sentence much longer. If a prisoner is picked out as meriting a concentrated effort towards reclamation at a critical stage in his criminal career, the effort should not be reduced because of the duration of his last sentence.

72. We accordingly recommend that failure to comply with the conditions of the licence should make the discharged prisoner liable to be recalled to prison by the Prison Commissioners; and that the period of recall should be determined by a review board within a maximum equal to the outstanding period of after-care or six months, whichever is shorter. The licence should continue in force after the end of the recall period with the same liability to recall, although in practice any second period of recall would be necessarily short, since it could be no longer than the period by which the first period fell short of six months.

Resettlement difficulties

73. During the course of our inquiry we have been impressed by the difficulties that beset the discharged prisoner. Accommodation and employment are generally recognised as the most pressing, with accommodation probably the more serious of the two. The homeless man, who is lonely in lodgings or a hostel, wanders about the streets, meets prison friends and drifts back into crime. The man who for some reason cannot get a job drifts in a similar way into dishonest means of livelihood. This picture was confirmed by the questionnaire* to prisoners in respect of the groups it covered. One in four of the prisoners serving their second, third or fourth sentence, had no home or accommodation to go to on release from their previous sentence. One in ten were unemployed during the whole period between their last release and reconviction, and one in five of those who did find a job took over a month to do so.

74. But although these difficulties, if not overcome, will make compulsory after-care more arduous in the categories for which we recommend it, they are not peculiar to them but face all prisoners including those at present receiving compulsory after-care. In this wider context efforts to overcome them are continuously being made by the Prison Commissioners, the after-care organisations and voluntary bodies. We have no specific recommendation of our own to make except that we express the hope that these efforts will continue and be successful.

* See Appendix A.

The period immediately following release from prison

75. A number of witnesses have stressed to us that the weeks immediately following release are the most crucial for the discharged prisoner. We have noted in the preceding paragraphs the resettlement difficulties that are specially troublesome during that period, and the associate at this time will often have to give them a great deal of personal attention. But our evidence has also demonstrated to us the need for satisfactory rapport between associate and licensee before any crisis comes. If the crisis comes almost immediately after release, how can the associate know enough about the licensee to deal satisfactorily with his problems?

76. This problem has already been the subject of much thought on the part of the after-care authorities. As we have mentioned,* an officer of the Central After-Care Association is in touch with the future licensee in prison, the prison social worker, and the associate† who will be responsible for the after-care on release. The fullest information is passed to the associate, who may correspond directly with the prisoner. A personal visit is normally impracticable.

77. We endorse the need for these and similar arrangements. We cannot over-emphasize that in our view the fullest preparation, both in prison and in the home to which the prisoner will go on release, is needed to make a smooth transition. This can be done only by the fullest liaison between the social workers concerned, which should be strengthened by personal contact where possible. We should also like to see the preparation in prison extended to cover the prisoner's own attitude to after-care. We regard it as essential that before release the prisoner should be helped to understand the purpose of after-care and his part in it. He should be told what it will try to do for him and that the associate will already know all about him and what his needs are. If the licensee's trust can be obtained whilst he is in prison, the process of transferring this trust to the associate would in this way be begun before he starts his period on licence, and the tendency to resentment against compulsory after-care might be reduced.

Help from other agencies

78. We have thought it right to consider whether there is any overlapping of effort among the various agencies concerned with helping discharged prisoners who receive compulsory after-care. None of our witnesses thought that there was, and this is also our view. It is often the associate with his experience and training who puts the licensee in touch with help of a particular kind that is available only from a particular source.

* See paragraph 7.

† Although in some cases it is not known where the prisoner will go on release and in others he changes his mind.

Conclusions and recommendations

Summary

79. Our conclusions and recommendations, which are unanimous, may be summarised as follows:

- (a) The present requirements in section 29 of the Prison Act, 1952, for the reporting of addresses by certain discharged prisoners are of no practical value. We recommend the repeal of section 29 and the other relevant statutory provisions (section 22 of the Criminal Justice Act, 1948, and the First Schedule to the Prison Act, 1952) (paragraph 17).
- (b) We agree with the overwhelming weight of opinion before us that for certain prisoners compulsory after-care is a necessary complement to prison training. The disadvantage of its alienating those prisoners who would resent any form of compulsion on release would be outweighed by the benefit that would be derived by those who need it but do not accept it voluntarily (paragraph 25).
- (c) Compulsory after-care under any extended scheme should be the responsibility of the Central After-Care Association operating normally through probation officers as associates (paragraph 28).
- (d) We cannot recommend that the prisoners to receive compulsory after-care should be selected by the sentencing court or towards the end of their sentence by a case committee or that they should be allowed to opt for it with earlier release as a consequence (paragraphs 30-34). We recommend that the categories of prisoner to receive it should be defined by statute (paragraph 36), and that they should be, in order of priority:

{
Equal
 - (i) adult prisoners serving a sentence of imprisonment of twelve months or more who have served only one previous sentence of imprisonment;
 - (ii) adult prisoners serving a sentence of four years or more;
 - (iii) adult prisoners serving a sentence of more than three months who have served only one previous sentence of imprisonment;
 - (iv) adult prisoners serving a sentence of imprisonment of twelve months or more who have served only two previous sentences of imprisonment;
 - (v) adult prisoners under 26 at conviction and serving a sentence of more than three months; and
 - (vi) adult prisoners serving a sentence of imprisonment of twelve months or more who have served three or more previous sentences of imprisonment (paragraph 55).

Having regard to the resources of the probation service, we recommend that categories (i) and (ii) should receive compulsory after-care as soon as the necessary legislation can be passed and that category (iii) should receive it in another two or three years' time, but no prisoner should receive it on release from a sentence passed before the scheme was

extended to his category (paragraphs 56 and 57). Before the remaining categories are included, the whole question should be reviewed in the light of the results of a research project designed to measure the contribution of after-care to the prevention of crime (paragraphs 20 and 58).

(e) The present after-care scheme for corrective trainees should be the model for the recommended extension, subject to the following modifications:

- (i) the period of after-care should be twelve months from the date of release in every case (paragraph 63);
- (ii) the conditions of the licence should be less peremptory, although stated with precision (paragraph 64);
- (iii) breach of the conditions should make the licensee liable to be recalled to prison by the Prison Commissioners; the period of recall should be determined by a review board similar to the borstal review board, subject to a maximum equal to the outstanding period of after-care or six months, whichever is shorter (paragraph 72); and
- (iv) there should be the fullest liaison between the social workers who are concerned with a licensee in prison and the future associate, and every effort should be made to make the idea of compulsory after-care more acceptable to the prisoner (paragraph 77).

80. In conclusion, we should like to place on record our appreciation of the valuable assistance we have received from various officials. To Mr. B. C. Cubbon, our Secretary, the highest praise is due, not only for arranging the material we have assimilated and the attendance of those who have been good enough to give oral evidence before us, but also for recording our decisions and drafting our Report.

B. J. HARTWELL (*Chairman*)
GEO. BENSON
XENIA FIELD
JANET INSKIP
VIOLET CREECH JONES
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APPENDIX A

Questionnaire to prisoners on after-care

1. The Home Office research unit undertook an investigation for the sub-committee into the extent of prisoners' need of after-care, the use they make of the available facilities and their general attitude towards after-care.

Procedure and sampling

2. The sample consisted of three groups of prisoners:

Group A: prisoners serving a sentence of imprisonment who had had one, but not more than three, previous sentences of imprisonment, and whose last previous sentence was more than three months and less than four years.

Group B: prisoners serving a sentence of imprisonment whose last previous sentence was one of imprisonment for four years or more.

Group C: prisoners serving a sentence of imprisonment whose last previous sentence was one of corrective training or preventive detention.

Beginning on 3rd February, 1958, all receptions in the categories concerned were included in the sample until the required numbers were produced or, in the case of Groups B and C, until it was necessary to proceed with the analysis so as to report to the sub-committee. The total numbers in the groups were: 248 in Group A, 51 in Group B and 45 in Group C. The only selective influence in the sample was the season of the year, and there is no reason to suppose that this produced any bias likely to affect the position in relation to after-care.

3. The Deputy Governor or Assistant Governor or a senior discipline officer was asked to question the men using a detailed questionnaire. The interviewer was told to make sure that any points of difficulty in the questionnaire were explained to the prisoner.

4. All the forms were checked after completion by the Director of Men's After-Care, Central After-Care Association.

The data

5. The information sought included details of the history of the convicted man, e.g., length of sentence, time between previous and present offence, classification of the present offence and the sentence received. The data on after-care covered the following points: whether the representative of the Ministry of Labour or the Discharged Prisoners' Aid Society was seen whilst the prisoner was serving the previous prison sentence, what contact was maintained with the Discharged Prisoners' Aid Society or the Central After-Care Association after discharge and whether any material or other help was given on discharge or afterwards. Particulars of the prisoner's living accommodation, the number of jobs held, the duration of the longest job, any time out of work between the sentences and whether the prisoner had had any occupational training or possessed any special skill were also noted.

6. In view of the smallness of the numbers in Groups B and C, the forms in those groups were not fully analysed. The findings discussed below apply only to Group A unless otherwise stated.

Results

7. Within prison over half of the men did not see the Placing Officer of the Ministry of Labour or the Discharged Prisoners' Aid Society case committee, although over 80% saw the Discharged Prisoners' Aid Society representative. The amount of help received for tiding over the immediate difficulties on release appears to have been

fairly adequate—at least to the extent that 71 % received some help. Apart from these sources, the National Assistance Board supplied most of the help which the prisoners received at later stages after release. All but 5 % of those who approached the National Assistance Board (presumably in need of assistance) received it, whereas the proportion of prisoners who received any help other than immediately on discharge from the Central After-Care Association or the Discharged Prisoners' Aid Society was claimed to be only 6 %, an almost negligible amount. More than a quarter had no home or accommodation to go to from prison. In one in nine of these cases assistance in finding accommodation was given by the Central After-Care Association, the Discharged Prisoners' Aid Society or the National Assistance Board.

8. Almost 90 % claimed that they had found work themselves, although when the first job or the longest job held was considered specifically, 27 % reported help from the employment exchange or the after-care societies. Over one-tenth were unemployed for six months and 5 % for over a year, but there did not seem to be any consistent relation between the length of time before getting the first job or the duration of that job and whether it was obtained by the prisoner's own efforts or supplied for him. 55 % of those who obtained employment kept the same job or only had one change of job during the whole time they were at liberty, but one-tenth of the group had no work at all from the time of discharge to reconviction.

9. The men's own assessments of the greatest difficulties which they encountered must be related to the fact that they were probably seeking excuses for their reconviction, but, of the causes given, employment difficulty was by far the most common, amounting to nearly 50 % of the total. In answer to the question whether there was anything that might have been done to help them from getting into trouble again, 36 % of the total said Yes, 63 % said No, and 1 % did not answer. The help which might have been given according to those who answered Yes was not always specified, but it was mostly in terms of help with what they said were their greatest difficulties.

10. Only 13 % (32) got in touch with an after-care associate, and of these 21 did well and four were non-committal. 21 received some help but two thought they would have done better without after-care. Of those not making contact 48 % thought they would have kept out of trouble if they had had after-care and 52 % thought it would have made no difference.

Results for Groups B and C

11. Groups B and C show a higher proportion than Group A receiving help on discharge from the Discharged Prisoners' Aid Society or the Central After-Care Association (84 % B and 90 % C). The numbers seeking assistance from the National Assistance Board were about the same, 75 % A, 70 % B and 73 % C.

12. The numbers with no home to go to were 40 % B and 33 % C compared with 28 % A. About one-fifth of these received help from the Central After-Care Association in finding accommodation.

13. 8 % in Group B and 11 % in Group C were never employed. Apart from these, the majority had fairly stable work records, although a few had many changes or long periods without employment. The number of men with special training exceeded the number who obtained skilled work. 76 % in Group B and 67 % in Group C claimed to have found their own employment without help from the Central After-Care Association compared with 72 % for Group A.

14. 73 % in Group B had contact with the Central After-Care Association after discharge and about half of them received some help. For Group C the most appropriate comparison was thought to be with those who continued to keep in touch with the Central After-Care Association when their compulsory after-care finished; this amounted to only 17 % (although a further 20 % were reconvicted before after-care finished).

15. Difficulties in relation to employment were again the most frequent: 37% B and 22% C compared with 37% in Group A.

Comparison with the findings of the Director of Men's After-Care

16. The comments made by the Director of Men's After-Care on the whole confirmed the factual information given by the prisoners about the extent of after-care which they received. There were contradictions in 10% of cases, in all of which the prisoner claimed that he had received no help whereas the after-care records showed that help (in some cases quite substantial) had in fact been given.

17. A frequent cause of disagreement was in terms of interpretation. The Central After-Care Association frequently reported that the prisoner had said that he required no help and therefore none was offered, whereas the prisoner's replies suggested that he afterwards considered that he ought to have received help. In other cases the Central After-Care Association made it clear that the prisoner was given advice, e.g. to get in touch with the welfare officer at a stated address, but did not take it. The third major discrepancy was that the prisoner claimed that he had found work himself simply because he was interviewed by a prospective employer, although in many cases the Discharged Prisoners' Aid Society or the Central After-Care Association had made the first contacts and had persuaded the prospective employer to see the prisoner in the first place.

18. Some of the men were at liberty for several years after their previous conviction. It is probable that their memories, rather than any actual attempt to mislead, may account for some of the discrepancies found.

Interpretation of the results

19. The study was confined to those who in one sense may be regarded as the failures of after-care, since they had been reconvicted. It is impossible to compare their situation with that of other offenders who may have received after-care and are so far successful. This bias necessarily restricted the usefulness of the investigation and it must also be recognised that the subjects might have been tempted to blame their reconviction on after-care or lack of it. The comparison with the findings of the Director of Men's After Care shows, however, that in this respect the reports were not seriously inaccurate. It is not possible to say how many of those who reported compulsorily managed to keep out of trouble compared with those who sought voluntary after-care.

Conclusions

20. The results for Group A, in which after-care was voluntary, show that very few sought after-care of their own initiative, either because they were insufficiently aware of any problems or difficulties to be faced or because they were not convinced that effective help could be given.

21. 75% of Group A, 51% of Group B and 40% of Group C had special problems of rehabilitation; these proportions are in inverse relation to the risk of reconviction for the groups. There were employment difficulties in some cases where no special problem was admitted. The results showed that a proportion of the men had frequent changes of work or long periods of unemployment; even when work was obtained it was not always as skilled as the men's training would fit them for. This applied to Groups B and C as well as to Group A.

22. The critical period for Group A appears to be between three and four months after discharge, but the results for Group C showed that nearly four-fifths of reconvictions occurred after the period of licence had expired and up to six years after discharge.

23. There seems to be a need for publicity about the benefits of voluntary after-care, or some incentive to persuade discharged prisoners to make more use of the facilities available. It is perhaps significant that so few men in Group C, who had experience of after-care, continued to keep in touch with the Association after their licences expired.

APPENDIX B

The requirements of the present after-care licences

The following are the requirements to which discharged prisoners are subject on being released on licence for a period of compulsory after-care:

- (1) On your release the Central After-Care Association will tell you where to go, and you should go there and not change your address without the permission of the Association or the person under whose supervision you are placed.
- (2) If told by the Association to do so you should report, as required, either by letter or by personal visit, to the Association or to the person under whose supervision you are placed.
- (3) Being under supervision means that you must do as the Association or your supervisor tells you. In particular you must work where you are told. You should be punctual and regular at your work and able to satisfy the Association that you are leading a sober, steady and industrious life.
- (4) You must not break the law or mix with persons of bad character.

